

STATE DRIVING BUSINESSES LICENSURE BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 1/26/2018

BOARD MEMBERS PRESENT: Robert M Fenn - Chair
Faith Todd
C Randal Willie
Jared H Haustveit
Theresa A Bradford

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Cesley Metcalfe, Technical Records Specialist

The meeting was called to order at 9:33 AM MST by Robert M Fenn.

APPROVAL OF MINUTES

Ms. Todd made a motion to approve the minutes of November 15, 2017. It was seconded by Mr. Haustveit. Motion carried.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$74,626.23 as of December 31, 2017.

VOLUNARY SURRENDER AND COLLECTIONS PROCESSES

Ms. Peel explained the process for voluntary surrender of a license by a licensee and the collections process for unpaid disciplinary fines and investigative fees.

LEGISLATIVE INTERIM COMMITTEE AND IDAHO ADMINISTRATIVE PROCESURES ACT

Mr. Ellsworth stated that the Idaho Legislature has an Interim Committee that has been studying the use of Hearing Officers and is also looking at the Idaho Administrative Procedures Act. Draft legislation was presented by the Interim Committee in late September that would make substantial changes to the Idaho Administrative Procedure Act and the way contested cases are handled. The Bureau submitted a letter to the Committee seeking clarification concerning some

of the proposed changes prior to the Committee's meeting on October 2, 2017. As the Bureau receives additional information, it will be provided to the Board. Ms. Bradford made a motion to designate Ms. Bradford as the primary contact and Mr. Haustveit as the secondary contact to receive updates on the Interim Committee and the Administrative Procedures Act. It was seconded by Ms. Todd. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. During a meeting on January 23, 2018 the House Business Stevenson Subcommittee voted to recommend approval of the Board's proposed rule change to the full committee. The proposed rule change is scheduled for presentation before the Senate Commerce and Human Resources Committee on Thursday, February 1, 2018. Ms. Todd made a motion for Bureau staff to update all related Board forms after the rule receives final approval and goes into effect. It was seconded by Ms. Bradford. Motion carried.

The deadlines to submit proposed law and rule changes to the Governor's Office have passed for the 2018 Legislative Session. The deadline to submit proposed law changes to the Governor's Office is mid-July 2018 and the deadline to submit proposed rule changes to the Governor's Office is mid-August 2018 for the 2019 Legislative Session.

Ms. Cory updated the Board on the legislative outreach meetings. The meetings were well attended and well received by legislators.

OLD BUSINESS

The Board reviewed the To Do List and decided to include any proposed law or rule changes in the executive order report.

BUSINESS AUDIT NOTIFICATION LETTER

The Board reviewed the business audit notification letter. The Board directed Bureau staff to make changes. Mr. Willie made a motion to approve the letter pending additional changes and review by Mr. Willie. It was seconded by Ms. Todd. Motion carried.

BUSINESS AUDIT LETTER

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APPRENTICESHIP PROGRAM ONLINE UPDATE

The Board reviewed the list of businesses that have requested to be included on the approved apprenticeship program list posted on the Board's website. The Board directed Bureau staff to make changes to the information included on the list. Ms. Todd made a motion to send a second copy of the letter to businesses that have not yet responded. It was seconded by Mr. Haustveit. Motion carried.

EXECUTIVE ORDER

Ms. Hall outlined the Board's role in responding to the Lt. Governor's Executive Order. There is a template that will be used to complete each Board's response, and the template contains six sections:

- A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal
- B. Applications and Renewals Denied – May 19, 2017 – May 19, 2018
- C. Disciplinary Actions – Past 5 Years
- D. Law, Rule, or Policy Changes or Proposed/Implemented Changes in Last 5 Years to Eliminate Barriers to Entry
- E. Assessment of Public Interest
- F. Recommendations for Improvement, Modification, or Elimination of Requirements

The Bureau will be responsible for gathering and entering all of the data sections A, B and C of the template. The Bureau and each Board will jointly fill in section D regarding the Law, Rule or Policy Changes or Proposed/Implemented Changes in Last 5 Years to Eliminate Barriers to Entry. The Board Specialist and Administrative Support Manager will assist the designated Board member with writing sections E and F.

Ideas for the EO that come up between meetings cannot be shared among Board members outside of Board meetings, but may be forwarded to the Board Specialist or Administrative Support Manager for inclusion in the next meeting.

The process will be completed in three meetings: 1) discussion, 2) review and approve a rough draft, and 3) review and approve a final draft. The final draft must be completed and approved by June 15, to meet the July 1, deadline for responding.

NEW BUSINESS

CONTINUING EDUCATION COURSES

The Board discussed and clarified that it will accept continuing education courses that have been approved by the Department of Education without submission of an application to the Board.

EXECUTIVE SESSION

Ms. Bradford made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Todd. The vote was: Mr. Fenn, aye; Mr. Haustveit, aye; Mr. Willie, aye; Ms. Bradford, aye; and Ms. Todd, aye. Motion carried.

Ms. Todd made a motion to come out of executive session. It was seconded by Ms. Bradford. The vote was: Mr. Fenn, aye; Mr. Haustveit, aye; Mr. Willie, aye; Ms. Bradford, aye; and Ms. Todd, aye. Motion carried.

CORRESPONDENCE

The Board directed Bureau staff to respond to correspondence from a driving business school regarding a request to add instructors to its apprenticeship training program. The response will notify the business that one of the intended instructors is not yet eligible under Rule 275.05. The remaining two intended instructors will be added to the business's apprenticeship training program, but the business will be reminded to track that all employees maintain a current driving instructor license at all times.

APPLICATIONS

Ms. Todd made a motion to approve applicant #901156408 for licensure pending receipt of additional information. It was seconded by Ms. Bradford. Motion carried.

Mr. Willie made a motion to approve applicant #901155631 for licensure pending receipt of additional information. It was seconded by Ms. Bradford. Motion carried.

Ms. Todd made a motion to approve the apprenticeship training program of applicant #901156408 pending receipt of additional information necessary for licensure. It was seconded by Ms. Bradford. Motion carried.

Ms. Bradford made a motion to approve Rocky Mountain Driving School for licensure. It was seconded by Mr. Willie. Motion carried.

Ms. Todd made a motion to approve A & A Driving School for licensure. It was seconded by Ms. Bradford. Motion carried.

NEXT MEETING was scheduled for April 6, 2018 at 9:00 AM.

ADJOURNMENT

Ms. Bradford made a motion to adjourn the meeting at 12:08 PM. It was seconded by Mr. Willie. Motion carried.

Robert M Fenn, Chair

Faith Todd

C Randal Willie

Jared H Haustveit

Theresa A Bradford

Tana Cory, Bureau Chief